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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/23/2003

Li-Ming Cheng

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INTELLECTUAL PROPERTY ATTORNEYS

2030 MAIN STREET, SUITE 1300

IRVINE, CA 92614

EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/743,178	Applicant(s) CHENG ET AL.	
	Examiner Blair M. Johnson	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-55, 58-65 and 67-73 is/are rejected.
- 7) ☒ Claim(s) 56, 57 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Note:

In the process of preparing the Examiner's Answer to Applicant's appeal brief of 4/7/08, it was noticed that claims 59,60 and 67-69 were not addressed in the final rejection of 9/25/07. It was also noticed that claims 70-73 were indicated as being allowable except for the 112 rejection thereof. While record was made of this latter situation by way of interview summary of 10/26/07, such correction was not included in an official office action. Consequently, the final rejection of 9/25/07 is herein repeated and proper treatment of claims 59,60 and 67-73 is included. The Examiner sincerely regrets this oversight and apologizes for the inconvenience.

Claim Rejections - 35 USC § 112

Claims 70-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 70, the recitation of "the first pulley rotors" is ambiguous since only one first rotor has been recited. The same is true for "the second pulley rotors" in claim 71. In claim 72, there is no antecedent basis for "the consecutive alignment".

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second secondary line (claim 61) and the multiple laps (claims 70-73) must be shown or the feature(s) canceled from the claim(s). Also not shown in the drawings is fastener 201, not recited

in the claims but mentioned on the specification on page 11. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

Claims 50-55,58-65 and 67-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gertzson in view of Kuhar '100.

Gertzson discloses an upper longitudinally extending, straight channel 10 and a lower member, either the lowest slat or a well known bottom rail, suspended by primary lines 33 and secondary line 17, and four pulleys 34,35, over which the cords

traverse. The location of the connection between lines 33 and line 17, as well as the movement of the connection over pulleys, is clearly an obvious design modification based on headrail size, blind length, number of pulleys, etc. What is not shown is the dual rotors and spring retraction system in a housing in the channel. However, such is well known in the art, as illustrated by Kuhar. It would have been obvious to modify Gertzson by replacing the hanging portion of the manual, exposed, pull cord end 17 with the retraction means taught by Kuhar so as to create a balanced system as well as to remove the safety hazard inherent in the hanging cord 17. The location of the dual rotor member would be at the cord lock 13,14,16, etc. Regarding claim 65, the "secondary rotor member" reads on one of the pulleys in the headrail. Regarding claims 70-73, to entrain the cords around the rotors numerous times merely duplicates the arrangement in Gertzson and would have been obvious so as to permit more cord to be wrapped on the spring motor (or go through the cord lock of Gertzson) without the coupling encountering the spring motor (or cord lock).

Allowable Subject Matter

Claims 56,57 and 66 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

The affidavit of Mr. Zerg has been considered and appreciated, but it is not persuasive. Low costs, lighter weight, and fewer components are indicated as desirable characteristics achieved by Applicant and not present in the prior art. However, such

features are not claimed and would be difficult to claim. Recited are lines, rotors and a spring motor. These things are present in the prior art as applied. Nothing in the recitation of these elements limits them regarding the low costs, etc. Mr. Zerg asserts that one would not provide Gertzson with a spring motor cord storage system of Kuhar. Quite to the contrary, the desire to alleviate the dangling pull cord of Gertzson is exactly what led to the now widespread use of spring motors and storage spools for the lift cords. Not only is such a combination obvious without a specific teaching to combine, but Kuhar provides a specific teaching to combine, which is to replace the hanging pull cord of a blind. This is a well motivated combination of teachings.

Applicant's remarks are similar to that of Mr. Zerg's. In addition, Applicant states that replacing the cord lock of Gertzson with a spring motor would destroy Gertzson. If this is true, any combination of teachings proposed 103 rejections would "destroy" the primary reference. Obviously, this is not the case.

The declaration by Mr. Swart is not persuasive. It appears that the success is a result of switching the main product from vinyl roller shades to pleated shades. This is a reflection of the entire market, which made a similar shift, and not in the currently claimed details of the blind.

The declaration by Applicant, as well as by Mr. Chao, is not persuasive. By stating that he would not have made such a combination of references as proposed had he been aware of the references constitutes a form of "hindsight". Also, Applicant's motivation to combine does not have to be the same as proposed by the Examiner, which is to alleviate the need for a hanging pull cord.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blair M. Johnson/
Primary Examiner, Art Unit 3634

BMJ
6/11/08